

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA)	Criminal No: 8:97CR209-1
)	
v.)	Filed: 12/16/97
)	
JOSEPH E. BURFORD,)	Violation: 15 U.S.C. § 1
)	
Defendant.)	Judge Strom

INFORMATION

The United States, by and through its attorneys, charges:

1. JOSEPH E. BURFORD is hereby made a defendant on the charge stated below.

DESCRIPTION OF THE OFFENSE

2. Beginning at least as early as August 1995 and continuing until at least September 1995, the exact dates being unknown to the United States, the defendant and his co-conspirators engaged in a combination and conspiracy in unreasonable restraint of trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

3. The combination and conspiracy consisted of a continuing agreement, understanding and concert of action among defendant and his co-conspirators to rig a bid for the purchase of cattle being sold by Alex Pester in Minatare, Nebraska.

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and his co-conspirators did those things that they conspired to do, including, among other things:

- (a) discussing among themselves the prospective submission of a bid to Alex Pester for the purchase of cattle;
- (b) agreeing upon a bid price to be submitted to Alex Pester;
- (c) agreeing upon and designating which co-conspirator would be the winning bidder;
- (d) having the designated co-conspirator purchase the cattle from Alex Pester;
- (e) accepting payment for the cattle from Excel Corporation and dividing up among the co-conspirators the profits from the conspiracy; and
- (f) concealing and attempting to conceal the conspiracy.

DEFENDANT AND CO-CONSPIRATORS

5. During all or part of the period covered by this Information, defendant JOSEPH E. BURFORD was engaged in the cattle industry in Nebraska and elsewhere in his capacity as a partner in Burford Industries and in his capacity as Secretary of B&W, Inc.

6. Two other individuals, not made defendants in this Information, participated as co-conspirators in the offense charged and performed acts and made statements in furtherance of it.

TRADE AND COMMERCE

7. After purchasing the cattle, the defendant and his co-conspirators caused the cattle to be shipped across state lines for slaughter in Colorado. The defendant and his co-conspirators also received payment for the cattle from Excel Corporation by means of a check which crossed state lines.

8. The business activities of the defendant and his co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate commerce.

JURISDICTION AND VENUE

9. The combination and conspiracy charged in this Information was carried out, in part, in the District of Nebraska, and elsewhere, within the five years preceding the filing of this Information.

IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

Dated:

_____/s/_____
Joel I. Klein
Assistant Attorney General
Antitrust Division

_____/s/_____
Gary R. Spratling
Deputy Assistant Attorney General
Antitrust Division

_____/s/_____
John T. Orr
Director of Criminal Enforcement
Antitrust Division

_____/s/_____
Marvin N. Price, Jr
Assistant Chief
Midwest Field Office
Antitrust Division

_____/s/_____
Thomas J. Monaghan
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District of Nebraska

_____/s/_____
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The United States of America requests that trial of this case be held in Omaha, Nebraska, pursuant to the rules of this Court.

_____/s/_____
Diane C. Lotko-Baker
Antitrust Division